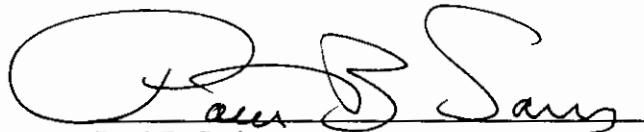


[PROPOSED] ORDER

IT IS HEREBY ORDERED THAT the Track Two Defendants are relieved of their obligation under Rule 15(a) of the Federal Rules of Civil Procedure to answer the Plaintiffs' Third Amended Consolidated Class Action Complaint. If the Plaintiffs file an amended complaint in the future that identifies their new proposed representatives for a Medicare Part B beneficiary class with respect to the Track Two defendants, the Track Two defendants shall respond to that amended complaint in accordance with the Federal Rules of Civil Procedure and will thereafter have the opportunity to take discovery of any proposed class representatives identified in that complaint in the manner provided by this Court.

Dated: 11/1/05

A handwritten signature in black ink, appearing to read "Patti B. Saris", written over a horizontal line.

Patti B. Saris
United States District Judge